

Stephen M. Doniger (SBN 179314)
stephen@donigerlawfirm.com
Benjamin F. Tookey (SBN 330508)
btookey@donigerlawfirm.com
DONIGER / BURROUGHS APC
603 Rose Avenue
Venice, California 90291
Telephone: (310) 590-1820

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CraftShack, Inc., a Delaware
Corporation;

Plaintiff,

v.

Critical Telephone Applications, Inc.
d/b/a "BottleCapps," a Texas
Corporation; Robert Burns Liquor, Inc.,
a California Corporation; and DOES 1-
10,
Defendants.

Case No.

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

Jury Trial Demanded

CraftShack, Inc. hereby prays to this Court for relief based on the following:

JURISDICTION AND VENUE

1. This action arises under the Copyright Act of 1976, 17 U.S.C. § 101,
et seq.

2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331,
1338(a)-(b).

1 and/or employee of the remaining Defendants, and was at all times acting within
 2 the scope of such agency, affiliation, alter-ego relationship, and/or employment;
 3 and actively participated in, subsequently ratified, and/or adopted each of the acts
 4 or conduct alleged, with full knowledge of each violation of Plaintiff's rights and
 5 the damages to Plaintiff proximately caused thereby.

6 **DEFENDANTS' UNAUTHORIZED EXPLOITATION OF**
 7 **THE SUBJECT PHOTOGRAPHS**

8 10. CraftShack operates an online craft beer marketplace which ships
 9 mostly small and family-owned beer and liquor directly to customers. As part of its
 10 business, CraftShack has created a series of hundreds of original photos to
 11 "standardize" the professional display of the products it sells on its website. This is
 12 important because, while many of the manufacturers of those products offer
 13 promotional photos of their products, those photos are often incohesive—e.g., shot
 14 with/from different angles, backgrounds, lighting, etc. By creating a homogenous
 15 and stylized collection of product photos, CraftShack has created immense value
 16 for itself and its customers. Indeed, due to the demand for CraftShack's work,
 17 CraftShack has created a secondary business of offering licenses for the use its
 18 original photos. CraftShack's website displays hundreds of its original photographs
 19 used to promote the sale of beer and liquor products, and maintaining exclusivity
 20 of use of those high-quality proprietary photos for only CraftShack and its
 21 authorized licensees is crucial to CraftShack's business.

22 11. CraftShack took and owns 20 original photographs registered with the
 23 U.S. Copyright Office (collectively, the "Subject Photographs"). Copies of the
 24 Subject Photographs, along with their titles and registration numbers, are set forth
 25 in **Exhibit 1**.

26 12. Following the publication and display of the Subject Photographs,
 27 Defendants copied, stored, distributed, displayed, and/or otherwise exploited the
 28 Subject Photographs for commercial purposes on Defendants' Website without

CraftShack's permission (the "Accused Posts"). Copies of screen captures of the Accused Posts are set forth in **Exhibit 2**.

FIRST CLAIM FOR RELIEF

(For Copyright Infringement – Against All Defendants, and Each)

13. Plaintiff incorporates by reference the preceding paragraphs of this Complaint.

14. Upon information and belief, Defendants had access to the Subject Photographs, including through Plaintiff's website and social media accounts, or viewing the Subject Photographs on third-party websites or Internet search engines.

15. Upon information and belief, Defendants copied, stored, distributed, displayed, and/or otherwise exploited the Subject Photographs on Defendants' Website without Plaintiff's permission.

16. Due to Defendants' acts of copyright infringement, Plaintiff has suffered damages in an amount to be established at trial.

17. Due to Defendants' acts of copyright infringement, Defendants have obtained profits they would not have realized but for their infringement of Plaintiff's copyrights in the Subject Photographs. As such, Plaintiff is entitled to disgorgement of Defendants' profits attributable to the infringement of Plaintiff's copyrights in the Subject Photographs in an amount to be established at trial.

18. Upon information and belief, Defendants committed copyright infringement with actual or constructive knowledge of, or in reckless disregard or willful blindness for, Plaintiff's copyrights in the Subject Photographs, such that said acts of copyright infringement were willful.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment as follows:

- a. That Defendants, each of them, their respective agents, and anyone working in concert with Defendants and/or their agents, be enjoined

1 from using the Subject Photographs in a manner that infringes
2 Plaintiff's copyrights in the same;

- 3 b. That Plaintiff be awarded all Defendants' profits, plus all Plaintiff's
4 losses, attributable to Defendants' infringement of Plaintiff's
5 copyrights in the Subject Photographs, the exact sum to be proven at
6 trial; or alternatively, if elected, statutory damages under 17 U.S.C. §
7 504;
- 8 c. That Plaintiff be awarded its costs and fees under 17 U.S.C. § 505;
- 9 d. That Plaintiff be awarded pre-judgment interest as allowed; and
- 10 e. That Plaintiff be awarded such further relief as this Court finds proper.

11 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ.
12 P. 38 and the 7th Amendment to the United States Constitution.

13
14 Dated: January 18, 2024

DONIGER / BURROUGHS

15 By: /s/ Stephen M. Doniger
16 Stephen M. Doniger, Esq.
17 Benjamin F. Tookey, Esq.
18 *Attorneys for Plaintiff*
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